The opinion in support of the decision being entered today was <u>not</u> written for publication in a law journal and is <u>not</u> binding precedent of the Board.

## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte MICHAEL L. VATTER

Appeal No. 2004-2211 Application 09/902,048

**ORDER DISMISSING APPEAL** 

MAILED

FEB 1 6 2005

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

Before HARKCOM, <u>Acting Chief Administrative Patent Judge</u>, and WILLIAM F. SMITH and MILLS, <u>Administrative Patent Judges</u>.

Per curiam.

On January 26, 2005, appellant filed a request to remove the above application from the oral hearing docketed for February 8, 2005 at 10:00 AM. Appellant further stated "[a]n RCE will be filed further removing the application from appeal status."

Accordingly, it is

ORDERED that the appeal filed March 7, 2003, is dismissed.

Appeal No. 2004-2211 Application 09/902,048

The application is being returned to the examiner for further action as may be appropriate.

Gary V. Harkcom, Acting Chief Administrative Patent Judge

William 1. Smith / / // Administrative Patent Judge **BOARD OF PATENT** 

APPEALS AND

**INTERFERENCES** 

Demetra J. Mills

Administrative Patent Judge

Kenya T. Pierre The Procter & Gamble Company Intellectual Property Division Winton Hill Tech. Ctr. - Box 161 6110 Center Hill Avenue Cincinnati, OH 45224

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